



# Whistleblowing Procedure

Last reviewed: July 2018

This document applies to all schools and operations of the Vale Academy Trust. [www.vale-academy.org](http://www.vale-academy.org)

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## Introduction

1. This procedure applies to all individuals working for the Vale Academy Trust (“the Trust”) at all levels and grades, whether they are employees, contractors, casual or agency staff. In this document, we refer to such individuals as “staff” or “member of staff”.
2. In accordance with the provisions of the Public Interest Disclosure Act 1998, the Trust is committed to achieving the highest possible standards of service and ethical standards and this procedure will enable staff to raise concerns of serious wrongdoing without fear of reprisal.
3. This document explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be handled.

## Aim of this procedure

- To encourage staff to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously.
- To provide staff with guidance on how to raise concerns.
- To reassure staff that they can raise genuine concerns made in the public interest without fear of reprisals, even if the concerns turn out to be mistaken.

## What is Whistleblowing?

4. Whistleblowing is when a member of staff reports certain types of wrongdoing or misconduct within an organisation.
5. The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public, employees.
6. The wrongdoing must relate to or show one of the following:
  - a criminal offence
  - a failure to comply with a legal obligation
  - a possible miscarriage of justice
  - a Health & Safety risk
  - damaging the environment
  - misuse of public money
  - corruption or unethical conduct
  - abuse of pupils, students or other users
  - deliberate concealment of any of these matters

- any other substantial and relevant concern.
7. The concern could be about something that happened in the past, is currently happening or likely to happen in the future.
  8. Concerns or complaints that a member of staff wishes to raise formally about their own employment should normally be raised using the Grievance Procedure (copy available from the Trust's HR department), unless they believe the concern is also in the public interest. This might include, for example, concerns related to general working conditions, working relations, employment rights or bullying or harassment.

## Legal protection for whistleblowers

9. Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blew the whistle'.
10. Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.
11. The Board of Directors of the Trust ("the Board") will provide all reasonable protection for those who raise concerns made in the public interest.
12. The Board will be responsible for ensuring that appropriate personal support is offered both to a member of staff raising a concern and to any member of staff against whom allegations have been made under this procedure.
13. Although a member of staff has certain legal obligations of confidentiality to the Trust, in a limited set of circumstances whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

## Procedure for raising a whistleblowing concern

### Whistleblowing anonymously or confidentially

14. Concerns can be raised anonymously, but the Trust or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need.
15. Whistleblowers can give their name but request confidentiality and in these circumstances every reasonable effort will be made to protect their identity.
16. All disclosures made under this procedure will be treated sensitively, consistently and fairly.

## Step 1- Deciding who to report the concern to

17. Concerns can be raised verbally or in writing.
18. You should normally raise your concern with your line manager, however the Trust recognises that this may sometimes be inappropriate, depending on the situation, and you might prefer to instead raise it with one of the following:
  - Your headteacher or a deputy headteacher
  - The chair of your school's Local Governing Body
  - The HR Director of the Trust
  - The Finance Director of the Trust
  - The Chief Executive of the Trust
  - The Chair of the Board of Directors of the Trust
19. The names of the persons holding the above posts should be available on the relevant school website or on the Trust's website: [www.vale-academy.org](http://www.vale-academy.org).
20. If you wish to report the matter to someone outside of the Trust please refer to the list of organisations in Annex 1 of this document.
21. Reporting concerns to the media may lead to the loss of your whistleblowing law rights.
22. Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.
23. You may wish to obtain advice from:
  - Public Concern at Work on 020 7404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk)
  - The Citizen's Advice Bureau on 03444 111 444 or [www.ca.org.uk](http://www.ca.org.uk)
  - A trade union representative
24. You can be accompanied by a trade union representative or colleague to any meetings that are required.

## Step 2

25. The person with whom you have raised your concern will decide what action is needed. They may ask you to provide further information. They will write to you within 10 days to let you know how your concern will be dealt with.
26. The information you can expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for you.

27. The person with whom you have raised your concern will at the same time notify the Chief Executive that a whistleblowing allegation has been made. If the Chief Executive is the subject of the allegation, or otherwise conflicted, then the Chair of the Board of Directors will be notified instead.

### Step 3

28. Initial enquiries will be made to decide whether an investigation is appropriate.

29. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from you to protect the confidentiality of other people.

30. Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

31. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by a headteacher, Trust executive, governor or Board director, which may, for example, take the form of a disciplinary investigation
- an investigation by a committee or panel of the Board
- a referral to the Police
- the setting up of an external independent inquiry.

### Step 4

32. You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

33. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of those listed in Annex 1.

34. If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed

in paragraph 18. In determining whether it is reasonable for you to have made a disclosure the identity of the person/organisation to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies listed in Annex 1 may not be protected disclosures under the Public Interest Disclosure Act 1998.

35. You have a duty to the Trust not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the bodies listed under paragraph 23, in accordance with the provisions of the Public Interest Disclosure Act 1998.

## Review and Reporting of the Procedure

36. The Board of Directors of the Trust has overall responsibility for this procedure.
37. This procedure has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the Trust will not identify individuals.
38. This procedure will be regularly reviewed by the Audit Committee of the Board of Directors to ensure that it continues to remain compliant and meets the needs of the Trust and its staff.

## Annex 1 - External bodies and organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list and further guidance can be found online at Gov.Uk: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf)

### Some of the bodies that may be relevant for Trust staff are:

The Education and Skills Funding Agency (ESFA)	Tel: 0370 267 001 Website: <a href="https://www.gov.uk/government/organisations/education-and-skills-funding-agency">https://www.gov.uk/government/organisations/education-and-skills-funding-agency</a> Address: Cheylesmore House, 5 Quinton Rd, Coventry CV1 2WT
Ofsted	Tel: 0300 123 1231 Website: <a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a> Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> Address: Piccadilly Gate, Store Street, Manchester, M1 2WD
Office of Qualifications and Examinations Regulation (Ofqual)	Tel: 0300 303 3346 Website: <a href="https://www.gov.uk/government/organisations/ofqual">https://www.gov.uk/government/organisations/ofqual</a> Email: <a href="mailto:Public.Enquiries@ofqual.gov.uk">Public.Enquiries@ofqual.gov.uk</a> Address: Spring Place, Coventry Business Park, Herald Avenue, Coventry CV5 6UB
National Society for the Prevention of Cruelty to Children (NSPCC)	Tel: 0800 028 0285 (anonymous advice line) Website: <a href="https://www.nspcc.org.uk">https://www.nspcc.org.uk</a>
Health and Safety Executive	Tel: 0300 003 1647 Website: <a href="http://www.hse.gov.uk/contact/whistleblowers.htm">http://www.hse.gov.uk/contact/whistleblowers.htm</a>
Information Commissioner's Office	Tel: 0303 123 1113

(ICO) for matters relating to data protection and freedom of information	Website: <a href="https://ico.org.uk/">https://ico.org.uk/</a> Address: Wycliffe House, Water Lane, Wilmslow, SK9 5AF Email: <a href="mailto:casework@ico.gsi.gov.uk">casework@ico.gsi.gov.uk</a>
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