

Woodland Academy Trust

**Whistleblowing Policy**

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Owned by:	Human Resources
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Approved by:	Board of Trustees
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Woodland Academy Trust is committed to inclusion, diversity and promoting equal opportunity for all. All schools within the Trust share this commitment, providing an inclusive environment. This objective applies to all policies and procedures and the Trust will at all times adhere to the requirements of the Equalities Act 2010 and any other associated guidance.

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## Statement of intent

Woodland Academy Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust's commitment to openness, probity and accountability, members of staff across the schools are encouraged to report any concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe, or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the school.
- Voluntary workers working with the school.
- Trainees, such as student teachers.

## 1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998.
- Employment Rights Act 1996.
- ESFA (2022) 'Academy trust handbook 2022 and updated versions.
- DfE (2022) 'Keeping children safe in education 2022 and updated versions.
- GOV.UK (2012) 'Whistleblowing for employees'.
- Sir Robert Francis (2015) 'Freedom to speak up report'.

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure.
- Grievance Policy and Procedure.
- Records Management Policy.
- Complaints Procedures Policy.
- Data Protection Policy.

## 2. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information, and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the CEO or CFOO. Any member of the school community or the general public is able to "blow the whistle"; however, the PIDA only protects employees. [Section 6](#) includes further details on how whistleblowing affects non-employees.

## 3. Definitions

**Whistleblowing** is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject .
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public.

The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served.
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

#### **4. Roles and responsibilities:**

The Board of Trustees (Governing Body) will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g., in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the formal meetings include a record of the whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one Trustee and designated members of staff to act as points of contact for staff members when reporting concerns.

The Trust Leadership Team will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating, and responding appropriately to any concerns that have been raised by school staff.

The Headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating, and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing unless it is regarding the Headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in [section 3](#) of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## 5. Harassment and victimisation of staff

The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g., the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

## 6. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.

The Board of Trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## 7. Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear, and consistent.

The school will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in [section 8](#), the Trust will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The Trust will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff.
- Providing the necessary support to staff.
- Providing support to staff who are seeking alternative employment.

- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.
- Undertaking regulatory action as required.

We will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

## 8. Responsible Officers

The Board of Trustees has overall responsibility for the maintenance and operation of this policy and procedure. Wherever possible, employees should initially raise concerns with their Headteacher.

Should the Headteacher have concerns, or should the concern be regarding the Headteacher, or Director of Education this should be raised with the CEO or Deputy CEO.

In instances where the complaint involves the CEO or Deputy CEO the complaint should be raised with the Vice-Chair of Trustees.

In addition, whistle-blowers may make a qualifying disclosure to:

- Someone other than the employer who is legally responsible for the situation in respect of which the disclosure is made.

This could include a prescribed person the concern relates to such as,

- HMRC;
- the ICO;
- the Health and Safety Executive;
- the Department for Education;
- the Education and Skills Funding Agency.

As long as the worker reasonably believes the disclosure falls within the remit of the body reporting to and that the allegations are substantially true.

## 9. Procedure

When raising concerns, individuals will express them in writing to the headteacher. If an individual is raising a concern about staff members other than the Headteacher, the designated person in section 8 should be notified.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern.
- Any relevant names, dates, and places.
- The reasons for the concern.

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school or Trust will be responsible for investigating it. In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g., the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, they will not contact or engage in dialogue with the whistle-blower, as this may undermine the legitimacy of the investigation outcome.

### **Other Concurrent Procedures**

Where a complaint is raised under the whistleblowing procedure, this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy. However, each case will be considered to ensure the Trust is acting reasonably.

### **10. Next steps**

The designated person will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter. The initial stage will be an interview with the whistle-blower, and then an assessment of further action will be discussed. During this initial stage, the designated person will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the designated person will request the individual puts their concern in writing, if they have not already done so. The designated person will write a summary of the concern if the individual is unable to put it in writing.

The designated person will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing body will do everything in its power to protect the complainant from discrimination.



- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistle-blower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistle-blower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure. The whistle-blower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

## **Support**

Employees who raise a concern may wish to make use of the confidential counselling service provided by the academy. Employees may also wish to consult their professional associate or Trade Union if they are a member. Should an employee be required to give evidence in criminal or disciplinary proceedings – consideration will be given to appropriate support.

## **11. What the Trust asks of whistle-blowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistle-blowers:

- Do not talk about the concern outside the Trust unless it is to report the concern through the proper external channels, e.g., the Local Authority.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **12. Appeal process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Policy.

### **13. Unfair treatment**

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

### **14. Monitoring and review**

The governing board will review this policy every 2 years, ensuring that all procedures are up to date. Any changes made to this policy will be communicated to all members of staff.

## 15. Appendix A – Contact Details

### Internal

It is an expectation that Employee's will have endeavoured to raise the matter internally within the school or Trust before referring the matter to an external organisation:

Name	Contact
Chief Executive Officer Navdeep Sanghara	<a href="mailto:nsanghara@watschools.org.uk">nsanghara@watschools.org.uk</a>
Chief Financial Operations Officer Deputy CEO Susan Ashton	<a href="mailto:sashton@watschools.org.uk">sashton@watschools.org.uk</a>
Human Resources	<a href="mailto:humanresources@watschools.org.uk">humanresources@watschools.org.uk</a>
Whistleblowing link Trustee Vice Chair	Rebecca Johnson <a href="mailto:rjohnson@watschools.org.uk">rjohnson@watschools.org.uk</a>

Or in writing to the above named at the following address:

Woodland Academy Trust  
Wheelock Close  
Erith  
DA8 1JE

### External

Name	Contact
Protect (Public Concern at Work)	020 3117 2520 <a href="http://protect-advice.org.uk">Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk)</a>
Department for Education	<a href="http://www.education.gov.uk">www.education.gov.uk</a>
Ofsted	<a href="mailto:Whistleblowing@ofsted.gov.uk">Whistleblowing@ofsted.gov.uk</a>
Education Funding and Skills Agency	<a href="http://www.gov.uk">How ESFA handles whistleblowing disclosures - GOV.UK (www.gov.uk)</a>
HMRC	<b>0800 788 887</b>
LADO	<a href="mailto:LADO@bexley.gov.uk">LADO@bexley.gov.uk</a> <a href="mailto:kentchildrenslado@kent.gov.uk">kentchildrenslado@kent.gov.uk</a>

### Support for Employees

Confidential Counselling Services for WAT employees  
Zurich: 0117 934 2121

Education Support Partnership for all education workers  
08000 562 561