



**The Arthur Terry Learning Partnership
Whistle Blowing Policy**

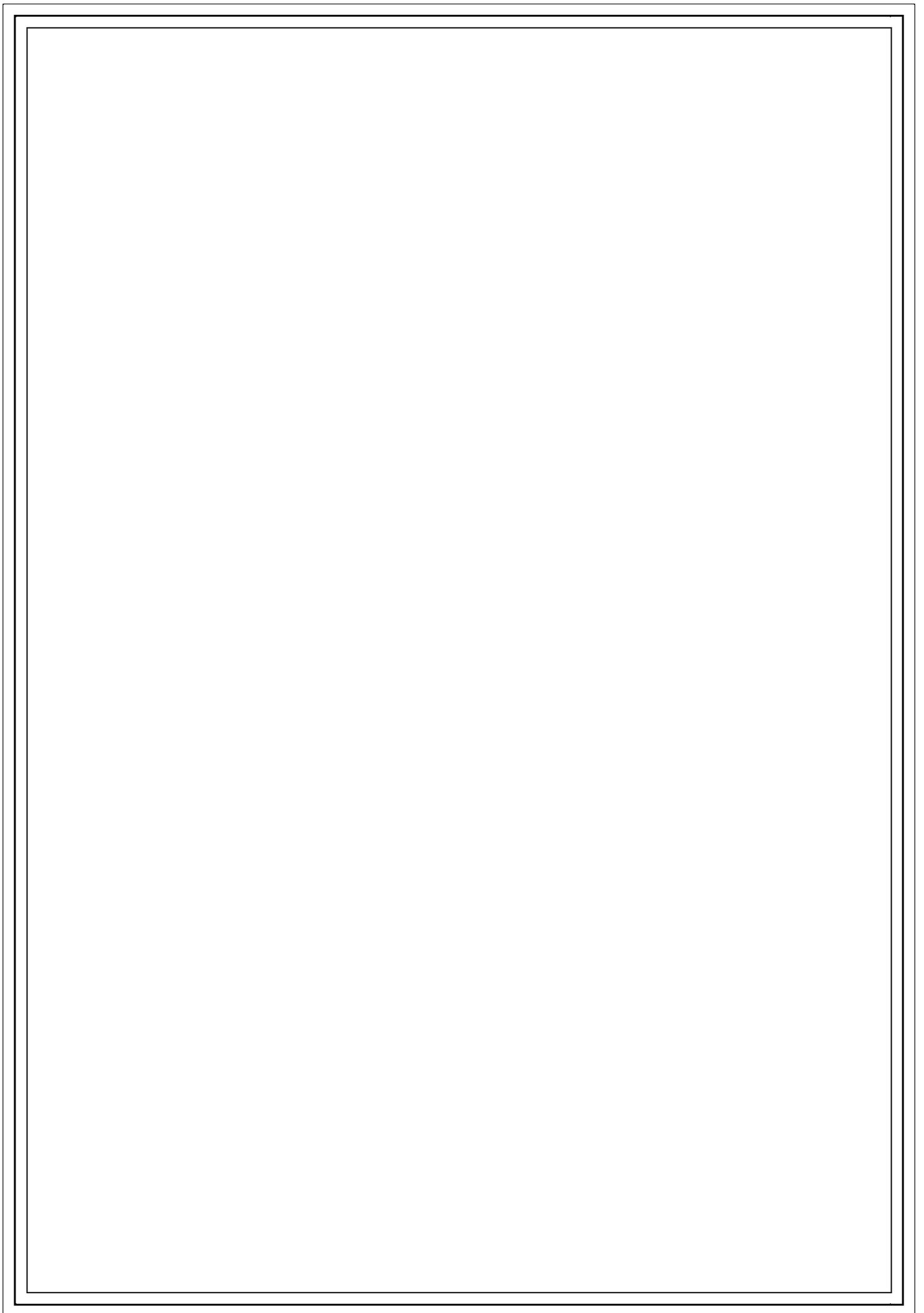
Policy written	September 2017
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Statement of intent

The Arthur Terry Learning Partnership is committed to open and honest communication and the highest possible standards in integrity and will treat whistleblowing as a serious matter.

In line with the Trustees commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. Such action is termed “blowing the whistle”; this phrase is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.



1. Introduction

- 1.1. Statutory protection for employees who whistleblow is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice within the school, which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.
- 1.2. This policy has been written in accordance with the Whistleblowing for Employees guidance document.
- 1.3. Serious malpractice may involve trust board members, trustees, governors, managers, colleagues/clients or suppliers of goods and services to the organisation, therefore, The Arthur Terry Learning Partnership has introduced this policy to enable staff to raise concerns, which are in the public interest, through internal trust procedures.
- 1.4. This policy applies to all school staff, including full and part time, casual, temporary, substitute staff, and to individuals undertaking work experience within the school.
- 1.5. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. Details of any disclosure remain confidential.
- 1.6. Each headteacher is the first point of contact for whistleblowing queries. In the event that the allegation is related to the headteacher, then issues will be raised with the Chair of Governors.
- 1.7. The CEO is the first point of contact for whistleblowing queries for ATLP Central Team staff. In the event that the allegation is related to the CEO, then issues will be raised with the Chair of the Trust Board.
- 1.8. Any member of the school community or general public is able to “blow the whistle”; however, the PIDA only protects employees. Section 7 of this policy includes further details on how whistleblowing affects non-employees.

2. Legislative framework

- 2.1. This policy has due regard to statutory legislation including, but not limited to, the following:
 - The Public Interest Disclosure Act 1998
 - The Public Concern at Work Guidelines 1997
 - Employment Rights Act 1996
- 2.2. This policy has been created with regard to the following guidance documents
 - GOV>UK (2015) ‘Whistleblowing for employees’
 - DfE (“014) ‘Whistleblowing procedures for maintained schools’
 - Sir Robert Francis (2015) ‘Freedom to speak up report’

3. Definitions

- 3.1. **Whistleblowing:** Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.
- 3.2. **Qualifying disclosures:** As outlined by (PIDA) 1998, qualifying disclosures pertain to when any of the following take 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.
- 3.3. **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.
- 3.4. **Blacklisting** refers to an individual who is being refused work as they are viewed as a whistle-blower.
- 3.5. **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:

- 4.1. The **Trust Board** will be responsible for:
- The overall implementation of this policy.
 - 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 CEO, ATLP Central Team, and headteachers, any concerns that are raised.
 - Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.

- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- 4.2. The CEO and Headteachers 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 the school community.
 - Being the first point of contact regarding whistleblowing.
- 4.3. The Chair of Governors will be responsible for receiving any concerns about the Headteacher.
- 4.4. All members of the school community will be responsible for:
- Raising any concerns that meet the definitions of [3.2](#) and [3.3](#) of this policy.
 - Being truthful and reasonable with any concerns that they have.
 - Not raising malicious or unfounded concerns.

5. Scope

- 5.1. This policy will:
- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies.
 - Provide members of 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.
- 5.2. This policy will not be confused with the procedure on dealing with harassment at work or Grievance and Disciplinary procedures.
- 5.3. This policy will complement the procedures by covering concerns that fall outside their scope, such as issues relating to:
- Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
 - Establishment standards of practice.
 - Improper conduct or a miscarriage of justice.
 - Risks or damage to the environment.
- 5.4. The Arthur Terry Learning Partnership will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA. Any member of staff who victimises or harasses another member of staff, as a result of their having

raised a concern in accordance with the whistleblowing policy, will be dealt with under the school's staff disciplinary procedures.

- 5.5. If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed, and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious or made for personal gain, then The Arthur Terry Learning Partnership will consider taking disciplinary action.

6. What is a whistle-blower

- 6.1. A whistle-blower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which relates to the workplace.
- 6.2. Under this policy, any of the following can raise a concern:
- Employees of the school.
 - Employees of contractors working for the school for example, agency staff, builders and drivers.
 - Employees of suppliers.
 - Voluntary workers working with the school.
 - A trainee, such as a student teacher.
 - Pupils.
 - The wider community.
 - Governors and members/trustees of the Trust Board

7. Harassment or victimisation

- 7.1. The Arthur Terry Learning Partnership 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 partnership will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.
- 7.2. Staff are protected in law by the Public Interest Disclosure Act, 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.
- 7.3. Any member of staff who victimises or harasses a member of staff because of their having raised a concern in accordance with this policy will be dealt with under The Arthur Terry Learning Partnership staff disciplinary procedures.

8. Non-employees

- 8.1. The PIDA and the Employment Rights Act 1996 do **not** protect non-employees as far as whistleblowing is concerned.

- 8.2. Irrespective of 7.1, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- 8.3. Where an individual feels that they have been unfairly treated following blowing the whistle, they should use the ATLP Complaints Policy and Procedure.
- 8.4. Trustees, Members and Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

9. Good practice principles

- 9.1. The Arthur Terry Learning Partnership will implement the core whistleblowing principles, as outlined in the 'Freedom to Speak Up Review', to ensure that whistleblowing procedures are fair, clear and consistent.
- 9.2. The Arthur Terry Learning Partnership 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.
- 9.3. By providing a clear procedure for mediating and resolving cases, the Arthur Terry Learning Partnership 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
- 9.4. The Arthur Terry Learning Partnership will implement **measures to support good practice** by ensuring we adhere 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
- 9.5. We will ensure there are **support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff have access to and training on the same principles as permanent staff
- Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

10. Procedure

10.1. Concerns will be expressed in writing to the Headteacher, or in the case of the Central Team, to the CEO. Concerns regarding a Headteacher should be in writing to the Chair of Governors, via the school office. Concerns regarding the CEO should be in writing to the Chair of the Trust Board via the school office at The Arthur Terry School.

10.2. The following information will be included as far as possible:

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

10.3 Individuals are encouraged to let their identity be known, either in person, or through their union representative, as concerns expressed anonymously are challenging to investigate.

10.3. Anyone feeling unsure can seek confidential advice at any time from Protect, a registered charity which advises on serious malpractice in the workplace and whistleblowing queries. For more information, visit their [website https://www.protect-advice.org.uk/](https://www.protect-advice.org.uk/) or ring them on 020 3117 2520.

10.4. The whistle-blower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures. It will be the responsibility of The Arthur Terry Learning Partnership to investigate.

10.5. In certain circumstances, 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 raised the matter.

11. Next steps

11.1. Once the concern has been formally raised, the CEO/Headteacher/Chair of Governors/Chair of the Trust Board, will determine the appropriate person to investigate the concern.

11.2. The designated investigator will write to the individual within 10 school days to confirm that the concern has been received, as well as indicate proposals for dealing with the matter.

11.3. 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, it will be established if:

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

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

11.5. The investigator 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 Arthur Terry Learning Partnership will do everything in their power to protect the complainant from discrimination.
- That, if the concern is not confirmed, no disciplinary action will be taken against the complainant, if the concern is genuine.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

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

11.7. If the investigator needs to talk further to the whistle-blower, the whistle-blower is 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 to which the concern relates. This person will provide support only and will not be allowed to become involved in the proceedings.

11.8. 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 Arthur Terry Learning Partnership Complaints Procedure.

12. What the trust asks of you

12.1. 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 take the concern outside the school.
- 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.

13. At the end of the process

13.1. A record will be made of the nature of the concern and the outcome of the investigation. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across The Arthur Terry Learning Partnership, and to assist in monitoring the procedure.

13.2. 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.

14. Appeal process

14.1 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 ATLP Complaints Procedure.

15. Unfair treatment after whistleblowing

15.1. An employee can take a case to an employment tribunal if they have been treated unfairly as a result of whistleblowing.

15.2. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

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

16. Monitoring and review

16.1. The Trust Board will review this policy every two years, ensuring that all procedures are up-to-date.

16.2. Any changes made to this policy will be communicated to all members of staff.